

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE: § CASE NO. 16-10897-tmd
RESOLVE SOLAR (TX), INC. §
DEBTOR. § CHAPTER 7 PROCEEDING

TRUSTEE'S MOTION TO SELL PERSONAL PROPERTY OF DEBTOR - FREE AND CLEAR
OF ALL LIENS AND INTERESTS(WITH 21-DAY LANGUAGE)

This pleading requests relief that may be adverse to your interests.

If no timely response is filed within twenty-one (21) days from the date of service, the relief requested herein may be granted without a hearing being held.

A timely filed response is necessary for a hearing to be held.

NOW COMES RANDOLPH N. OSHEROW, Chapter 7 Trustee ("Trustee") of the bankruptcy estate of RESOLVE SOLAR (TX), INC., and files his Motion to Sell Personal Property of Debtor (With 21-Day Language) – 3 Vehicles and Furniture, Fixtures and Equipment- Free and Clear of all Liens and Interests. The Trustee would show the Court the following:

1. On 5/5/17, this case was converted from a Chapter 11 to a voluntary petition was filed initiating this case under Chapter 7 of the Bankruptcy Code; Randolph N. Osherow was appointed Chapter 7 trustee of debtor's estate on 5/5/17. He continues to act in that capacity.

I. PROPERTY TO BE SOLD

2. The property of the estate to be sold by this Motion consists of the Debtor's personal property described as follows:

Furniture, Fixtures and Equipment located at Life Storage, Units 112 and 118 in Austin, Texas and 3 company owned vehicles- 2010 Toyota Prius, VIN JTDKN3DU5A5112273, 2005 Ford Van, VIN 1FTNE24L65HA17983, 2008 Ford Ranger VIN 1FTYR10D18PB14500 which is to be sold AS IS and WHERE IS. This property has no resale value.

3. The Trustee seeks to sell the property to Eric Insirillo for \$4000.00.

II. TRUSTEE'S ESTIMATED VALUE AND BASIS THEREOF

Debtor has not filed Chapter 7 Bankruptcy Schedules in the case.

Copy of Order attached as Exhibit "A"

III. MARKETING OF SAID PROPERTY

4. These vehicles cannot be sold thru a normal car auction, because the cost to pick up, store and sell could exceed the value of the three vehicles.

IV. TAX CONSEQUENCES

6. The Trustee believes there are no tax consequences to this sale. The maximum tax gain is approximately 20% of the gross sales price.

V. LIENS

7. Trustee know of no liens on the property.

VI. ESTIMATED COST OF SALE AND NET TO THE ESTATE

8. The following estimated costs are related to this sale:

Sale	\$4000.00
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The estimated net to the general (priority and unsecured) creditors is approximately \$4,000.00.

9. It is the Trustee's position that a sale in this manner is in the best interest of the estate and will net the estate the most money for distribution to creditors. A copy of this Motion is being forwarded to all creditors in accordance with Local Rule 9014.

WHEREFORE, PREMISES CONSIDERED, Trustee prays this Court enter an Order allowing and approving the sale as set forth above and authorizing the Trustee to execute the documents necessary to effectuate the sale of the property and that the Texas Department of Motor Vehicles and/or the local Tax Assessor/Collector be ordered to assist in the transfer of these vehicles to the new owners and that such Order be entered after 21 days unless an objection is timely filed in accordance with Rule 9014.

Respectfully submitted this 21 day of June, 2017.

/s/ Randolph N. Osherow
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IN RE:	§	CASE NO. 16-10897-tmd
	§	
RESOLVE SOLAR (TX), INC.	§	
	§	
DEBTOR.	§	CHAPTER 7 PROCEEDING

On the day this Order was signed, came to be considered by the United States Bankruptcy Judge, the Trustee's Motion to Enter Motion on Motion to Sell Personal Property of Debtor-Furniture, Fixtures and Equipment located at Life Storage, Units 112 and 118 in Austin, Texas and 3 company owned vehicles- 2010 Toyota Prius, VIN JTDKN3DU5A5112273, 2005 Ford Van, VIN 1FTNE24L65HA17983, 2008 Ford Ranger VIN 1FTYR10D18PB14500- Free and Clear of All Liens and Interests. The Court having considered the Motion finds that it has merit and should be granted. It is, therefore,

Property to be sold:

Furniture, Fixtures and Equipment located at Life Storage, Units 112 and 118 in Austin, Texas and 3 company owned vehicles- 2010 Toyota Prius, VIN JTDKN3DU5A5112273, 2005 Ford Van, VIN 1FTNE24L65HA17983, 2008 Ford

EX "A"

Ranger VIN 1FTYR10D18PB14500.

It is further

ORDERED, ADJUDGED, and DECREED that the sale of the foregoing property shall be free and clear of all liens and interests, valid and invalid, and the same is hereby approved and affirmed. It is further

ORDERED, ADJUDGED, and DECREED that the Texas Department of Motor Vehicles and/or the local Tax Assessor/Collector is ordered to assist in the transfer of the vehicles to the new owners.

#

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE: § CASE NO. 16-10897-tmd
§
RESOLVE SOLAR (TX), INC. §
§
DEBTOR. § CHAPTER 7 PROCEEDING
CERTIFICATE OF MAILING

The undersigned hereby certifies that a true and correct copy of the Motion to Sell Property of Debtor 21 day language- -FREE AND CLEAR OF ALL LIENS AND INTERESTS was served upon the following parties in interest by U.S. first class mail, postage prepaid this 21 day of June, 2017:

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SEE ATTACHED MATRIX FOR A LIST OF PARTIES SERVED WITH NOTICE.

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